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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/561,184 | 04/17/2006 | Nobuyuki Takakuwa | 8048-1134 | 1713 |

466 7590 12/23/2008

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| EXAMINER | |
|---|---|
| RUTLEDGE, AMELIA L | |
| **ART UNIT** | **PAPER NUMBER** |
| 2176 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/23/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/561,184 | TAKAKUWA ET AL. | |
| | Examiner | Art Unit | |
| | AMELIA RUTLEDGE | 2176 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *16 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/16/2005; 09/05/2006; 01/30/2008; 09/09/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This action is responsive to the following communications: original application, filed 12/16/2005; Information Disclosure Statements, filed 12/16/2005; 09/05/2006; 01/30/2008; 09/09/2008.

2. Claims 1-17 are pending. Claims 1 and 8-17 are independent claims.

### *Information Disclosure Statement*

The information disclosure statement filed 01/30/2008 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement filed 01/30/2008 has not been considered because it is blank.

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**Regarding independent claim 17**, claim 17 is directed to "A data structure comprising a control signal..." and as such, is directed to non-statutory subject matter because the claimed data structures and control signals are not tangibly embodied in computer hardware, and are not directed to a process, machine, or composition of matter. Claim 17 does not fall under a statutory category of invention under 35 U.S.C. 101.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Moriyama, U.S. Patent No. 4,680,647, issued July 1987.**

**Regarding independent 1**, Moriyama teaches *an information record medium comprising: still picture information which includes at least one still picture*; because Moriyama teaches a method for recording a video format signal for still picture and audio (Figs. 22; 31; 33; col. 6, l. 1-45). Moriyama teaches a recording medium which is a video disc, as well as other formats (col. 49, l. 14-58).

Moriyama teaches *audio information; reproduction control information which reproduces the audio information in synchronization with reproduction of the still picture information*, because Moriyama teaches control signals for synchronizing audio with reproduction of the still image information (col. 4, l. 45-col. 6, l. 45; col. 10, l. 15-57).

Moriyama teaches *wherein the reproduction control information includes audio repeat information for controlling repeat reproduction of the audio information synchronized with the still picture information*, because Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in

response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

**Regarding dependent claim 2,** Moriyama teaches *wherein the reproduction control information includes still picture repeat information for controlling the repeat reproduction of the still picture information*, because Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

**Regarding dependent claim 3,** Moriyama teaches wherein the reproduction control information defines reproduction timing of the audio information with using a reproduction time axis of the still picture as reference (col. 11, l. 33-col. 12, l. 64).

**Regarding dependent claim 4,** Moriyama teaches *wherein the reproduction control information is defined such that the audio information is reproduced only during reproduction of the still picture*, because Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51).

**Regarding dependent claim 5,** Moriyama teaches wherein the audio repeat information indicates whether or not to repeatedly reproduce the audio information (col. 49, l. 27-58). Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51).

**Regarding dependent claim 6,** Moriyama teaches *wherein the still picture repeat information indicates whether or not to repeatedly reproduce the still picture*

*information*, because Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

**Regarding dependent claim 7,** Moriyama teaches *wherein each piece of the still picture information is constructed by an item unit defining a reproduction sequence of still picture contents, and wherein the still picture repeat information includes continue information indicating whether or not to reproduce subsequent still picture information as one reproduction sequence*, because Moriyama teaches dividing the video format signal into a plurality of blocks for synchronization, and inserting control codes into the blocks indicating whether or not to reproduce subsequent still picture and audio information as one reproduction sequence (col. 38, l. 11-col. 39, l. 58).

**Regarding independent claims 8 and 9**, claims 8 and 9 are directed to the apparatus and method related to and substantially similar to the information record medium of claim 1, and are rejected along the same rationale.

**Regarding independent claim 10**, Moriyama teaches *an information reproduction apparatus for reproducing an information record medium comprising: still picture information which includes at least one still picture*; because Moriyama teaches a method for recording a video format signal for still picture and audio (Figs. 22; 31; 33; col. 6, l. 1-45). Moriyama teaches a recording medium which is a video disc, as well as an apparatus (col. 49, l. 14-58).

Moriyama teaches *audio information; reproduction control information which reproduces the audio information in synchronization with reproduction of the still picture*

*information*, because Moriyama teaches control signals for synchronizing audio with reproduction of the still image information (col. 4, l. 45-col. 6, l. 45; col. 10, l. 15-57).

Moriyama teaches *the reproduction control information including audio repeat information for controlling repeat reproduction of the audio information synchronized with the still picture information*; because Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

Moriyama teaches *the apparatus comprising: a reading unit which reads the still picture information, the audio information and the reproduction control information from the information record medium; a still picture reproduction unit which reproduces the still picture information; and an audio reproduction unit which reproduces the audio information in synchronization with reproduction of the still picture information in accordance with the audio repeat information in the reproduction control information* (see Figs. 1, 11, 15; col. 1, l. 65-col. 2, l. 31). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

**Regarding independent claim 11**, claim 11 is directed to the information reproduction method substantially similar to the apparatus of independent claim 10, and is rejected along the same rationale.

**Regarding independent claim 12**, Moriyama teaches *an information record reproduction apparatus comprising an information record unit and an information reproduction unit, wherein the information record unit includes: a first record unit which records still picture information including at least one still picture and audio information*; because Moriyama teaches a method for recording a video format signal for still picture and audio (Figs. 22; 31; 33; col. 6, l. 1-45). Moriyama teaches a recording medium which is a video disc, as well as an apparatus (col. 49, l. 14-58).

Moriyama teaches *a second record unit which records reproduction control information for reproducing the audio information in synchronization with reproduction of the still picture information*, because Moriyama teaches control signals for synchronizing audio with reproduction of the still image information (col. 4, l. 45-col. 6, l. 45; col. 10, l. 15-57).

Moriyama teaches *wherein the second record unit records the reproduction control information so that the reproduction control information includes audio repeat information for controlling repeat reproduction of the audio information synchronized with the still picture information*, because Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

Moriyama teaches *wherein the information reproduction unit includes: a reading unit which reads the still picture information, the audio information and the reproduction*

*control information from the information record medium; a still picture reproduction unit which reproduces the still picture information; and an audio reproduction unit which reproduces the audio information in synchronization with reproduction of the still picture information in accordance with the audio repeat information in the reproduction control information* (see Figs. 1, 11, 15; col. 1, l. 65-col. 2, l. 31). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

**Regarding independent claim 13**, claim 13 is directed to the method to be implemented with the apparatus of independent claim 12, and is rejected along the same rationale.

**Regarding independent claim 14**, claim 14 is directed to the computer program executed on a computer which is substantially similar to the apparatus claimed in independent claim 12, and is rejected along the same rationale.

**Regarding independent claim 15**, claim 15 is directed to the computer program which is related to the apparatus of independent claim 10, and is rejected along the same rationale.

**Regarding independent claim 16**, claim 16 is directed to the computer program executed on a computer, which is substantially similar to the apparatus claimed in independent claim 12, and is rejected along the same rationale.

**Regarding independent claim 17**, claim 17 is directed to the data structure comprising a control signal to be used with the information record medium as claimed in claim 1, and is rejected along the same rationale.

## *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| | | | | |
|---|---|---|---|---|
| **Kageyama et al.** | **U.S. Patent No.** | **6,594,442 B1** | **issued** | **July 2003** |
| **Matsuzawa et al.** | **U.S. Patent No.** | **6,085,185** | **issued** | **July 2000** |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amelia Rutledge/
Examiner, Art Unit 2176